

VZCZCXRO0066
PP RUEHDA
DE RUEHAK #7440/01 3531539
ZNR UUUUU ZZH
P 191539Z DEC 05
FM AMEMBASSY ANKARA
TO RUEHC/SECSTATE WASHDC PRIORITY 2067
RUEATRS/DEPT OF TREASURY WASHDC
INFO RHEHAAA/NSC WASHDC
RUEHIT/AMCONSUL ISTANBUL 9350
RUEHDA/AMCONSUL ADANA 0140
RHMFISS/HQ USEUCOM VAIHINGEN GE

UNCLAS SECTION 01 OF 02 ANKARA 007440

SIPDIS

SENSITIVE
SIPDIS

TREAS FOR OFAC (RWERNER), FINCEN (MMELANCON), EOTFFC
(POBRIEN) and (RLEBENSON, JSERAFINI), OIA (JGARDNER)
and/or (MLEAVITT)

EUCOM FOR JIACG (MPLEHN)

E.O. 12958: N/A

TAGS: [EFIN](#) [KTFN](#) [PTER](#) [TU](#)

SUBJECT: Treasury Official Sparks Interest in
Designations

REF: A) ANKARA 5635, B) ANKARA 5448

1. (SBU) SUMMARY: IN A FOLLOW-UP TO TREASURY U/S
LEVEY'S VISIT IN JUNE AND SUBSEQUENT MEETINGS AND
LETTERS, U.S. TREASURY OFFICIAL CHRISTOPHER BURDICK MADE
A PRESENTATION TO GOT OFFICIALS ON TERRORIST FINANCE
DESIGNATIONS ON DECEMBER 13. THE MEETING WAS WELL-
ATTENDED BY AN INTERAGENCY GROUP OF GOT OFFICIALS
RESPONSIBLE FOR TERRORISM FINANCE. THE OFFICIALS SHOWED
A LIVELY INTEREST IN DESIGNATIONS AND WE HAVE SINCE HEARD
THE HEAD OF THE ANTI-FINANCIAL CRIME AGENCY IS INTERESTED
IN TURKEY ESTABLISHING A DESIGNATIONS CAPABILITY. END
SUMMARY.

TURKS ENGAGED

2. (SBU) AS PROPOSED IN U/S LEVEY'S RECENT LETTER TO
FINANCE MINISTER UNAKITAN, U.S. TREASURY OFFICIAL
CHRISTOPHER BURDICK MADE A PRESENTATION ON TERRORISM
FINANCE DESIGNATIONS DECEMBER 13 TO AN INTERAGENCY GROUP
OF GOT OFFICIALS. THE GROUP WAS CHAIRED BY GENÇ OSMAN
YARASLI, THE PRESIDENT OF MASAK, THE TURKISH ANTI-
FINANCIAL CRIME AGENCY WHICH HAS THE LEAD ON TERROR
FINANCE. DESPITE YARASLI HAVING EARLIER CITED A PACKED
CALENDAR, HE PERSONALLY ATTENDED ALONG WITH ONE OF HIS
DEPUTIES, NUMEROUS MASAK STAFF, AND EXPERTS FROM THE MOJ,
MFA, AND POLICE.

3. (SBU) YARASLI AND HIS COLLEAGUES WERE ENGAGED
THROUGHOUT THE PRESENTATION. THEY ASKED NUMEROUS
QUESTIONS AND WERE VERY INTERESTED IN THE TOPIC. MASAK
DEPUTY PRESIDENT ENDER TOSUN LATER TOLD US YARASLI IS
INTERESTED IN PURSUING TURKEY SETTING UP THE ABILITY TO
DESIGNATE DOMESTICALLY. (CURRENTLY, TURKEY ONLY
DESIGNATES TERRORIST FINANCIERS LISTED UNDER UN SECURITY
COUNCIL RESOLUTION 1267. IT HAS NO SYSTEM FOR ANALYZING
AND DOMESTICALLY DESIGNATING TERRORIST FINANCIERS ON ITS
OWN.)

4. (SBU) BURDICK, IN HIS PRESENTATION WENT OVER THE
RATIONALE BEHIND DESIGNATIONS, INTERNATIONAL AGREEMENTS
RELATING THERETO, AND THE U.S. DESIGNATIONS SYSTEM.

QUESTIONS ON APPEAL SYSTEM, LEGAL AUTHORITY

¶5. (SBU) GOT PARTICIPANTS, INCLUDING YARASLI, QUESTIONED BURDICK REPEATEDLY ON THE U.S. LEGAL FRAMEWORK AUTHORIZING EXECUTIVE BRANCH OFFICIALS TO DESIGNATE, AS WELL AS ON THE PROCESS FOR DE-LISTING. THEY SEEMED PARTICULARLY CONCERNED WITH THE POTENTIALS FOR ABUSE OF THE AUTHORITY BY GOVERNMENT OFFICIALS. RATHER THAN A CRITICISM OF THE U.S. SYSTEM, THIS REFLECTS A PARTICULARLY TURKISH MINDSET AND "INSPECTION" MENTALITY, AS WELL AS A HISTORY OF ABUSE OF OFFICE. IN ORDER TO INSTITUTE SUCH A SYSTEM IN TURKEY, THE GOT WOULD HAVE TO EXPLAIN HOW SUCH RISKS ARE ADDRESSED.

¶6. (SBU) POST WOULD APPRECIATE ADDRESSEES HELP IN ANSWERING THE GOT'S QUESTIONS:

BEGIN QUESTIONS:

¶1. What U.S. laws affect U.S. banks holding correspondent accounts by foreign banks of designated parties?

¶2. Interagency Process: What policy documents are available laying out the interagency review process? Who are the players? What legal instruments establish the interagency elements that review a designation and give authority to designate?

¶3. Litigation: When can a designated party sue? In which court? When can a foreign party sue? What form of compensation is available to mis-designated parties? Can a party sue once de-listed? How many names have been designated since the inception of the program, and how many de-listed?

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¶4. Civil Servants: What protections are in place to prevent civil servant abuse of the system? Can a civil servant's employment be terminated for mis-designating a party?

Comment

¶7. (SBU) Post thanks Treasury for sending Mr. Burdick to Ankara. If MASAK's newfound interest in designations is confirmed, the visit will mark a substantial advance in GOT officials' approach to combating terrorism finance. Wilson